

7-28-04

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EXPRESS MAIL LABEL NO.:EV333486606US

PATENT

Attorney Docket No. 29329-715.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application)

PATENT APPLICATION

Inventor(s): Dominique Charmot et al)

Art Unit: 1614

Application No.: 10/814,749)

Examiner: Not yet assigned

Filed: March 30, 2004)

Title: Ion Binding Compositions)

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
 - ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
 - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
 - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
 - ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
 - ☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this

international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

- ☐ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29329-715.201).

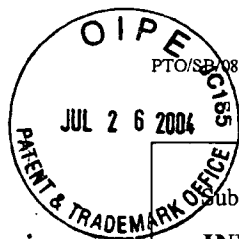
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: July 26, 2004

By: Anie K. Roche
Anie K. Roche (Reg. No. 50,512)

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PTO/SB-08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/814,749
				Filing Date	March 30, 2004
				First Named Inventor	Dominique Charmot
				Art Unit	1614
Examiner Name	Not yet assigned				
Sheet	1	of	1	Attorney Docket Number	29329-715.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 3,974,272	08-10-1976	Merck & Co., Inc.	
		US-4,747,881	05-31-1988	Warner-Lambert Company	
		US- 4,902,501	02-20-1990	Prodotti Formenti S.r.L.	
		US- 5,091,175	02-25-1992	Erbamont Inc.	
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FOREIGN PATENT DOCUMENTS

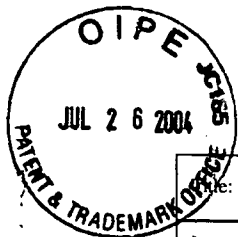
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO82/00257	02-04-1982	CRERAMI, Anothony		
		WO97/49736	12-31-1997	G.D. SEARLE AND CO.		

Examiner Signature	/Micah Paul Young/ (06/29/2010)	Date Considered	06/29/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.Y./ (06/29/2010)



Office: <u>ION BINDING COMPOSITIONS</u>		
Inventors/Applicant: <u>DOMINIQUE CHARNOT et al.</u>		
Application Serial No.: <u>10/814,749</u>		Filing Date: <u>MARCH 30, 2004</u>
Type Of Application: <input type="checkbox"/> Provisional <input checked="" type="checkbox"/> Original <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> CPA <input type="checkbox"/> PCT		
<input type="checkbox"/> Transmittal of Patent Application <input type="checkbox"/> Specification and Abstract _____ pages <input type="checkbox"/> Claims _____ pages <input type="checkbox"/> Drawings _____ pages <input type="checkbox"/> Missing Parts of Application Transmittal <input type="checkbox"/> Declaration/Oath <input type="checkbox"/> Combined Declaration/Power of Attorney <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Power of Attorney by Assignee <input type="checkbox"/> Assignment/Form PTO 1595 <input type="checkbox"/> Small Entity Declaration <input type="checkbox"/> PCT International Application Request Form _____ pages <input type="checkbox"/> Specification _____ pages <input type="checkbox"/> Claims _____ pages <input type="checkbox"/> Abstract _____ pages <input type="checkbox"/> Drawings _____ pages	<input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Filing Fee \$ _____ <input type="checkbox"/> Claims in excess \$ _____ <input type="checkbox"/> Independent claims in excess \$ _____ <input type="checkbox"/> Surcharge \$ _____ <input type="checkbox"/> Extension of time (____ mo.) <input type="checkbox"/> Request for Corrected Filing Receipt <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 with <u>3</u> references <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Issue Fee <input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Extension of time fee \$ _____ <input type="checkbox"/> Req-Corr Filing Receipt Fee \$ _____ <input type="checkbox"/> Issue fee/advance order \$ _____ <input type="checkbox"/> Other Fee \$ _____ <input type="checkbox"/> Chapter II Request/Fee Sheet <input type="checkbox"/> Response-Invitation to Correct <input type="checkbox"/> Article 34 <input type="checkbox"/> Article 19 <input type="checkbox"/> Response to Written Opinion
<input checked="" type="checkbox"/> Express Mail Certificate No. <u>EV333486600US</u> <input type="checkbox"/> First Class Mail <input type="checkbox"/> Authorization to Charge Deposit Account No. 23-2415	<input type="checkbox"/> Other: _____	
Attorney Docket No. <u>29329-715.201</u> Attorney: <u>Anie K. Roche</u> (Reg#: <u>50,512</u>)		Date Mailed: <u>July 26, 2004</u>

Please stamp and return this postcard to confirm receipt of the above